

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
HUGH JOHN TULLY and PENELOPE CAROL	:	Case No. 08-CV-3652 (BSJ) (MHD)
TULLY, on behalf of themselves and all others	:	
similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	<b>DEFENDANTS' NOTICE OF</b>
	:	<b>MOTION TO TRANSFER TO</b>
THE CHARLES SCHWAB CORPORATION,	:	<b>THE NORTHERN DISTRICT OF</b>
SCHWAB INVESTMENTS, CHARLES SCHWAB	:	<b>CALIFORNIA</b>
& CO. INC., CHARLES SCHWAB INVESTMENT	:	
MANAGEMENT, INC., CHARLES R. SCHWAB,	:	
EVELYN DILSAVER, RANDALL W. MERK and	:	
GEORGE PEREIRA,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Transfer to the Northern District of California, the Declaration of Stuart C. Plunkett in Support of Defendants' Motion to Transfer Action to the Northern District of California, and upon all prior proceedings had herein, defendants The Charles Schwab Corporation, Schwab Investments, Charles Schwab & Co., Inc., Charles Schwab Investment Management, Inc., Charles R. Schwab, Evelyn Dilsaver, Randall W. Merk, and George Pereira, by and through their attorneys, Morrison & Foerster LLP, 1290 Avenue of the Americas, New York, New York 10104, hereby move the Court, before the Honorable Barbara S. Jones, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Room 620, New York, New York 10007, for an order transferring this action to the United States District Court for the Northern District of California pursuant to 28 U.S.C. § 1404(a).

Dated: New York, New York  
May 13, 2008

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HUGH JOHN TULLY and PENELOPE CAROL  
TULLY, on Behalf of Themselves and All Others  
Similarly Situated,

Plaintiffs,

-against-

THE CHARLES SCHWAB CORPORATION,  
SCHWAB INVESTMENTS, CHARLES SCHWAB  
& CO. INC., CHARELS SCHWAB INVESTMENT  
MANAGEMENT, INC., CHARLES R. SCHWAB,  
EVELYN DILSAVER, RANDALL W. MERK,  
andGEORGE PEREIRA,

Defendants.

Case No. 08-CV-3652 (BSJ)(MHD)

**CERTIFICATE OF SERVICE**

I, Matthew M. D'Amore, hereby certify that on Tuesday, May 13, 2008, true and correct copies of the attached documents, in the above captioned proceeding, were served electronically in accordance with the Federal Rules of Civil Procedure and the SDNY Procedures for Electronic Case Filing, upon:

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Dated: May 13, 2008  
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